

1 Matlock Law Group, PC
2 Anne Leith Matlock, K. Brian Matlock
3 1485 Treat Blvd., Suite 200
4 Walnut Creek, CA 94597
5 Office: 925-944-7131
6 Fax: 925-944-7138
7 E-mail: anne-leith@matlocklawgroup.com
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9 Attorneys for Defendant,
10 DATAWAY, INC.
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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**
15

16 AT&T Corp.

17 PLAINTIFF,

18 v.

19 Dataway, Inc.

20 DEFENDANT.

CASE NO. C07-02440 EDL

**DECLARATION OF ANNE-LEITH
MATLOCK IN SUPPORT OF
DEFENDANT'S MOTION TO CHANGE
TIME OF HEARING REGARDING
DEFENDANT'S MOTION FOR
SANCTIONS AND OF DISPOSITIVE
MOTION FILING DEADLINE**

**Date: July 22, 2008
Time: 9:00 a.m.
Courtroom: E**

21 Dataway, Inc.

22 COUNTERCLAIMANT

23 v.

24 AT&T Corp.

25 COUNTERDEFENDANT
26

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1 I, ANNE-LEITH MATLOCK, declare:

2 1. I am an attorney at law licensed to practice before all Courts of the State
3 of California and before the Courts of the Eastern and Northern District of California. I
4 am a partner of the law firm Matlock Law Group, P.C., attorneys of record for Defendant
5 and Counter-Claimant Dataway, Inc. (hereinafter "Dataway" or "Defendant").

6 2. On or about January 17, 2008, I filed a Motion to Compel Production of
7 Documents, which was granted on May 21, 2008. The Court's Order for Discovery
8 required Plaintiff to provide the requested documents, or to provide a privilege log
9 indicating which documents had been withheld.

10 3. Plaintiff's Counsel Mr. Aires responded to the Court Order with a document
11 entitled "Further Responses to Request for Production" that stated generic, vague and
12 uniform objections of two types, either denying that AT&T was in possession of the
13 requested documents or objecting and referring to the attached privileged log, the
14 previously produced Bates Stamped Nos. AT&T 1 through 169 and the new large,
15 unidentified document Bates Stamped Nos. 170 through 470. The privileged log does not
16 comply with any requirements imposed by F.R.C.P. 26(b)(5) and The Honorable Judge
17 Laporte's Standing Order, the old documents produced were deemed insufficient in the
18 Court's last order and the new document lacks both title or identification page and an
19 adequate table of contents, does not indicate what it is responsive to, what was actually
20 produced, and whether all relevant portions have been provided.

21 4. After various unsuccessful attempts to contact Mr. Aires, he and I conducted
22 a meet and confer on June 17, 2008. Besides our discussion regarding his response to the
23 Court's Discovery Order, I suggested shortening the time for the hearing for sanctions but
24 Mr. Aires was not responsive to my request.

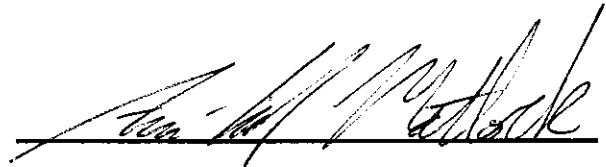
25 5. As a result of Plaintiff's repeated failure to respond to Dataway's Request
26 for Production, Matlock Law Group has had to devote considerable time and expense to
27 attempt to obtain the requested documents and information, to bring its Motion for
28 Sanctions and the instant motion.

1 6. Due to Mr. Aires unresponsive and uncooperative behavior, and despite my
2 diligent efforts to conclude fact discovery in a timely manner, I was still not able to
3 complete discovery even though discovery cutoff was originally set for April 15, 2008
4 and dispositive motion filing deadline was re-set for July 1, 2008.

5 7. Therefore, I respectfully request that this Court hear my motion for
6 sanctions as soon as possible to avoid additional delay in the prosecution of this matter
7 and to postpone the time in which Dataway may file dispositive motions.

8
9 I declare under penalty of perjury under the laws of the United States that the
10 foregoing is true and correct. I could and would competently testify thereto, if called
11 upon as a witness.

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13 This Declaration is executed this eighth day of July, 2008, at Walnut Creek,
14 California.

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17 Anne-Leith Matlock, Esq.
18 Matlock Law Group, P.C.
19 Attorney for Dataway, Inc.
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